



2/09/06

## FINAL PASSAGE

**SB 850 (Birkholz)**

**SB 851 (Patterson)**

**SB 852 (Van Woerkom)**

**SB 854 (Basham)**

**SB 857 (Brater)**

### WATER WITHDRAWALS

SBs 850-57 would: 1) Require new and expanding groundwater users to get permits if they withdraw more than 2 million gallons per day. There are five facilities in Michigan that withdraw at least that amount, according to a Senate Fiscal Agency analysis. 2) Require permits for new and expanding users that take more than 5 million gallons a day from the Great Lakes or rivers connecting the lakes. 3) Bar users from extracting more than 100,000 gallons per day if the withdrawal could harm trout streams. 4) Two years after the law takes effect, prohibit users from taking more than 100,000 gallons per day if the withdrawal would hurt fish populations in other streams and lakes.

Major users are defined as those using more than 2 million gallons per day, although smaller users also would have to register with the Department of Environmental Quality. The agreement reached Thursday includes a special provision for bottled water plants, like the controversial Ice Mountain facility near Big Rapids, that calls for them to obtain permits, but does not limit distribution of their product to the Great Lakes basin.

<http://www.freep.com/apps/pbcs.dll/article?AID=/20060209/NEWS11/60209012>

#### **SB 850:**

- The Senate concurred with the House Substitute to SB 850 [RC 61: 37 yes, 0 no].

#### **SB 851:**

- The Senate concurred with the House Substitute to SB 851 [RC 62: 37 yes, 0 no].

**SB 852:**

- The Senate concurred with the House Substitute to SB 852 [RC 63: 37 yes, 0 no].

**SB 854:**

- The Senate concurred with the House Substitute to SB 854 [RC 64: 37 yes, 0 no].

**SB 857:**

- The Senate concurred with the House Substitute to SB 857 [RC 65: 37 yes, 0 no].

**SB 880 (Van Woerkom)**

Senate Bill 880 would create Chapter 41a ("Annuity Recommendation to Senior Consumer") of the Insurance Code to require an insurance producer or insurer to have reasonable grounds to believe that a recommendation to a senior consumer to purchase or exchange an annuity was suitable to the consumer based on his or her financial situation. Before executing a purchase or exchange, an insurance producer or insurer would have to make reasonable efforts to obtain the senior consumer's financial status, tax status, and investment objectives. This bill would protect senior citizens purchasing annuities from insurance companies. This chapter would apply in circumstances where insurers or insurance providers make a recommendation to a senior consumer (a person 65 years of age or older) to purchase or exchange an annuity, and that recommendation results in the purchase or exchange of the annuity.

- *Leland 1a was adopted.*
- *Committee S-2 was adopted.*
- *SB 880 was moved to 3<sup>rd</sup> Reading of Bills.*
- **SB 880 passed with IE [RC 60: 34 yes, 0 no].**

## THIRD READING OF BILLS

**SB 973 (Hammerstrom)****SB 974 (Kuipers)****SB 975 (Bishop)****SB 976 (Cropsey)**

The bills would amend the Michigan Election Law to transfer from the Board of State Canvassers to the State Elections Director responsibilities for canvassing petitions to determine the validity and sufficiency of signatures; performing other constitutional duties concerning ballot petitions; and holding hearings on complaints or to investigate signatures. The bills also would delete requirements for the Board to approve ballot statements prepared by the Elections Director.

Senate Bill 973 would require the State Elections Director to perform other duties as prescribed by the Election Law. Currently, the Director is required to perform the duties of the Secretary of

State under his or her supervision with respect to the supervision and administration of the election laws.

- SB 973 was moved to 3<sup>rd</sup> Reading of Bills.

Senate Bill 974 would amend the Election Law, it is the duty of the State Elections Director, with the approval of the Board of State Canvassers, to prepare a statement of purpose of any proposed amendment or question to be designated on the ballot for submission to the electors. The bill would delete the requirement for the Board's approval.

- SB 974 was moved to 3<sup>rd</sup> Reading of Bills.

Senate Bill 975 would require the State Elections Director, rather than the Board of State Canvassers, to assign a number designation to appear on the ballot for each question to be submitted on a statewide basis.

- SB 975 was moved to 3<sup>rd</sup> Reading of Bills.

Senate Bill 976 Under the bill, the State Elections Director would have to canvass the petitions and could check doubtful signatures against local registration records, and the clerk of a political subdivision would have to cooperate with the Elections Director. The Election Law authorizes the Board of State Canvassers to hold hearings upon any complaints filed or for any purpose considered necessary by the Board to investigate the petitions. To conduct a hearing, the Board may issue subpoenas and administer oaths. The bill would transfer to the Elections Director the authority to hold hearings. The Elections Director also could issue subpoenas and administer oaths with the approval of the Board.

- SB 976 was moved to 3<sup>rd</sup> Reading of Bills.

#### **SB 1024 (Hardiman)**

Senate Bill 1024 would amend the Michigan Penal Code to delete current prohibitions against interfering with telegraph and telephone communications and establish new prohibitions against interfering with any electronic medium of communication. The Code prohibits a person from willfully or maliciously cutting, breaking, tapping, or making any connection with any telegraph or telephone line, wire, or cable; reading or copying any message from an unlawfully cut or tapped telegraph or telephone line, wire, or cable; maliciously preventing, obstructing, or delaying the sending, conveyance, or delivery of any authorized communication by or through any telegraph or telephone line, cable, or wire under the control of any telegraph or telephone company doing business in Michigan; or willfully and maliciously aiding, agreeing with, employing, or conspiring with any other person to do any of the above. A violation is a misdemeanor punishable by up to two years' imprisonment, a maximum fine of \$1,000, or both.

- Committee S-3 was adopted.
- SB 1024 was moved to 3<sup>rd</sup> Reading of Bills.

**HB 4544 (Elsenheimer)****HB 4727 (Elsenheimer)**

House Bill 4544 would make it so that a person who had been convicted of one or more felonies during the preceding five years would be prohibited from carrying or possessing a radio that would receive signals on a frequency assigned by the Federal Communications Commission (FCC) for purposes of law enforcement, fire-fighting, emergency medical, homeland security, or Federal, State, or local corrections. A violation would be a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000 (the current penalty for a violation). As currently provided, this prohibition would not apply to a person who was licensed by the FCC as an amateur radio operator.

- Cropsey 1a was adopted.
- Committee S-1 was adopted.
- HB 4544 was moved to 3<sup>rd</sup> Reading of Bills.

House Bill 4727 would list the felony offense proposed by House Bill 4544 (H-2) in the sentencing guidelines. Carrying or possessing a scanner in the commission of a crime would be a Class G felony against the public order, with a statutory maximum sentence of two years' imprisonment.

- Committee S-1 was adopted.
- HB 4727 was moved to 3<sup>rd</sup> Reading of Bills.

**HB 5043 (Schuitmaker)****HB 5044 (Schuitmaker)**

The bills would make it a felony to tamper with, interrupt, copy a message from, or use without authorization a telegraph line, wire, cable, telephone, or electronic medium of communication.

House Bill 5043 would amend the Michigan Penal Code to eliminate the current prohibition detailed above and replace it with updated language to include forms of communication using the Internet, computers, and computer networks. The new language would prohibit a person from willfully and maliciously doing any of the following:

- Committee S-1 was adopted.
- HB 5043 was moved to 3<sup>rd</sup> Reading of Bills.

House Bill 5044 would amend the sentencing guidelines portion of the Code of Criminal Procedure to specify that damaging, destroying, or using an electric medium of communication without authorization would be a Class H felony against the public order with a two-year maximum term of imprisonment.

- Cropsey 1a was adopted.
- Committee S-1 was adopted.
- HB 5044 was moved to 3<sup>rd</sup> Reading of Bills.

# RESOLUTIONS

## **SR 95 (Hardiman)**

A Resolution urging Congress to reauthorize the Ryan White CARE Act to provide comprehensive care for the neediest victims of HIV/AIDS.

- Amendment 1 was adopted.
- SR 95 was adopted [no RC].